

SCOTT P. PHILLIPS  
Attorney at Law  
Suite 605  
633 W. Wisconsin Ave.  
Milwaukee, Wisconsin 53203

(414) 273-6677  
Fax (414) 276-1130

---

February 2, 2013

The Honorable Magistrate Judge Nancy Joseph  
Federal Courthouse  
517 E. Wisconsin Ave.  
Milwaukee, WI 53202

RE: United States v. Devon Cole  
Case No. 12-CR-189

Dear Magistrate Judge Joseph:

As a further update to my January 29, 2013 letter, on February 1, 2013, I went to third floor of the Federal Courthouse to meet with Federal Prosecutor, Erica O Neil, and HIDTA and DEA agents, Phil Simmert, Keith Dodd, and Matt McCarthy. Before arriving to the secluded room on the third floor, I was stopped by the agents who informed me that Mr. Cole was down the hallway and would not attend this meeting. As a result, we all met with Mr. Cole in the hallway, and he refused to meet with us to review the discovery and evidence that the United States will bring at trial against him. Subsequently, he was returned to his private cell in adult lock-up.

Next, I went to adult lock-up planning to meet with him in the attorney-client interview room. He refused to meet with me. The Marshalls allowed me to meet with him at his private cell. I explained the reason for meeting with him that included the review of the evidence against him in this case as well as answering all questions and addressing his concerns. He refused to speak to me the entire time. I indicated to him that if he did not respond to my questions, I would not see him this weekend at the Kenosha Detention Center. Mr. Cole gave no response. Present to witness my explanation to him were District Officer Russell Philip and Deputy U.S. Marshall Chris Hoover.

Given Mr. Cole's failure to keep his pledge both to me and this Court to communicate with his legal counsel, I do not anticipate the filing of any pretrial motions since I have had no input from him. I will keep this Court apprised of any further developments.

Thank you for your attention to this matter.

Very truly yours,

Scott Phillips  
Attorney at Law